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2005 FEB -3 P 12:24

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

RALPH J. VOLLMANN

Plaintiff,

v.

ROGER LYNN GRUBB and  
ALLIED SYSTEMS, LTD.,

Defendants.

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CIVIL ACTION NO. 04-10080 GAO

**ASSENTED TO MOTION FOR LEAVE TO FILE THIRD-PARTY COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 14, the defendants in the above-entitled matter hereby respectfully move this Court for permission to file the proposed Third-Party Complaint attached hereto as Exhibit 1 against Showcase Isuzu. As grounds for support of this Motion, the defendants state as follows:

1. Showcase Isuzu is not a party to this action but is, or may be, liable to the defendants for part or all of the plaintiff's claimed damages in this lawsuit.
2. Showcase Isuzu is or may be liable for all or part of the plaintiff's claimed injuries based on its negligence in requesting the manner of delivery and creating conditions or permitting conditions to exist that caused the accident as set forth more fully in the Third-Party Complaint.
3. Permitting the defendants to file the Third-Party Complaint will promote judicial economy by dispensing of the need for a wholly separate lawsuit or action for contribution.

4. There is no trial date set in this matter, discovery is only in the preliminary stages, and the Third-Party Complaint will not unduly delay or complicate trial or discovery.

5. No party will be prejudiced by the granting of this Motion.

6. Counsel for the defendants contacted counsel for the plaintiff and there is no objection to the granting of this Motion.

Based on the above, the defendants respectfully request that Court grant their Motion for Leave to File Third-Party Complaint.

DEFENDANTS,  
**ROGER LYNN GRUBB AND ALLIED  
SYSTEMS, LTD.**

By



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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record via facsimile and regular mail on January 31, 2005.

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